

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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MAY 31 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRANDON DUNCAN, JOSHUA SETH HODAS, JARED JOSEPH JACKSON,
WALTER IRWIN NISSEN, III and NEELAKANTAN SUNDARESAN

Appeal No. 2005-1157
Application No. 09/829,249

ON BRIEF

Before HAIRSTON, KRASS and BARRETT, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 5 and 7 through 31. In an Amendment After Final, claims 21 through 31 were canceled. Accordingly, claims 1 through 5 and 7 through 20 remain before us on appeal.

The disclosed invention relates to an electronic book device that processes a graphics input and an audio input to produce a graphics output and an audio output.

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Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An electronic book device, comprising:
a portable housing; and

a processor in the housing and displaying content stored in a storage device by undertaking at least one of: responding to plural input modes, and outputting the content using plural output modes, wherein the processor responds to a graphics input mode by outputting content in a graphics output mode using a graphic user interface, the processor also responding to an audio input mode by outputting content in an audio output mode using an audio user interface.

The references relied on by the examiner are:

Kono	5,914,707	Jun. 22, 1999
Oberteuffer et al. (Oberteuffer)	6,438,523	Aug. 20, 2002
	(effective filing date: May 20, 1998)	

Claims 1 through 5 and 7 through 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberteuffer in view of Kono.

Reference is made to the final rejection, the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 5 and 7 through 20.

The computer in Oberteuffer is configured to process both a graphics input and an audio input to thereby produce a graphics output. Oberteuffer is silent as to the production of an audio output. The electronic apparatus disclosed by Kono produces a graphics output and an audio output in response to a graphics input. Since Kono is silent as to an audio input, we disagree with the examiner's statement (final rejection, page 6) that "Kono discusses electronic books capable of inputting data graphically and orally" (emphasis added). We likewise disagree with the examiner's supposition (final rejection, page 7) that the presence of a voice icon 64 on the touch display panel 26 means that "speech commands may be used to select such icons." As indicated in Kono (column 7, lines 2 through 32), the voice icon 64 is selected by touching the touch display panel.

Although an "audio output further enhances understanding of graphically displayed content" in Kono (final rejection, page 7), the examiner has not demonstrated that the graphics output in Oberteuffer needs an audio accompaniment. As indicated supra, Oberteuffer is silent as to the need for an audio output. Thus, in the absence of a demonstrated need for an audio output in Oberteuffer, we agree with the appellants' argument (brief, page 4) that the examiner has not set forth the requisite motivation

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and need for adding an audio output to the graphics output in Oberteuffer. As summarized by appellants (reply brief, page 1), "[t]he point remains that while one reference teaches two input modes and the other reference teaches two output modes, neither one managed to recognize its reciprocal, and in fact neither one provides any motivation for its reciprocal."

In summary, the obviousness rejection of claims 1 through 5 and 7 through 20 is reversed.

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DECISION

The decision of the examiner rejecting claims 1 through 5 and 7 through 20 under 35 U.S.C. § 103(a) is reversed.

REVERSED


KENNETH W. HAIRSTON)

Administrative Patent Judge)


ERROL A. KRASS)

Administrative Patent Judge)


LEE E. BARRETT)

Administrative Patent Judge)

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